

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla,  
Rio Brazos, Rutherford & Plaza Blanca,  
Cañones Creek, Village of Chama

Subfile Nos. CHRB-009-0001  
CHRB-009-0021

**RESPONSE BY STATE OF NEW MEXICO TO MOTION TO WITHDRAW  
BY LAW OFFICES OF DANIEL J. O'FRIEL, LTD.**

COMES NOW the State of New Mexico on the relation of the State Engineer, and makes this response to the Motion to Withdraw (7450) filed June 3, 2004 by the Law Offices of Daniel J. O'Friel, Ltd., in connection with the representation of Joyce Menninger, Kathy R. Tafoya, Lisa Tafoya, Lorraine Tafoya, Lucy Tafoya, Jose P. Tafoya and Lucy M. Tafoya in subfiles CHRB-009-0001 and CHRB-009-0021.

The State does not oppose the motion and withdrawal from representation on the condition that the deadlines in the Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System (6939) filed November 19, 2002 , as amended by the Order (7272) filed October 20, 2003, continue to apply to the above-described defendants. Under Paragraph II (C)(2) of the Procedural Order, as amended, a claimant's failure to sign and return a Consent Order or file an Answer by July 15, 2004 shall be considered grounds for the entry of a Default Order that incorporates the State's initial proposed Consent Order. *See* Order (7272) filed October 20, 2003 at 2. To date, the

above-described defendants have not signed and returned a Consent Order or filed an Answer rejecting the terms of the State's proposed Consent Order.

The undersigned counsel for the State of New Mexico, Edward G. Newville, also states that he was not contacted ahead of time concerning the Motion to Withdraw filed June 3, 2004, nor did he receive any message concerning such a motion. The certification of service included in the motion states that it was served upon Bruce Fredrick at the Office of State Engineer, who has not entered an appearance in this matter.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above Response to Motion to Withdraw was mailed to following persons on June 14, 2004.

/s/ Ed Newville  
Edward G. Newville

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